In the High Court of Judicature for Rajasthan
At
Jaipur Bench, Jaipur

O R D E R

In

S.B. Criminal Misc. Bail Application No.5871/06
Pratap Singh and another Vs. State of Rajasthan

Date Of Order :: 14th November, 2006

Hon'ble Mr. Justice Jitendra Ray Goyal

Mr. Ravi Kasliwal, counsel for petitioners.
Mr. R.P. Kuldeep, Public Prosecutor for State.

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Heard learned counsel for accused petitioners, learned Public Prosecutor for the State, perused the case diary and other material produced during the course of arguments.

Learned counsel for accused petitioners contended that due to some misunderstanding this FIR has been lodged by the complainant. It is also contended that accused petitioner Subhash Chand has already paid Rs.67,00,000/- to the complainant and they have settled their dispute. It is further contended that the so called forged power of attorney has been executed in favour of the accused petitioner Subhash Chand and accused petitioner Pratap Singh is nothing to do with that power of attorney and he has unnecessarily been trapped in this matter.

Learned Public Prosecutor opposed the bail application and contended that both the accused petitioners were involved in this crime. It is also submitted that forged power of attorney has been executed in favour of the accused petitioner Subhash Chand when the executant

Jitendra Sekhari was not in the country but in abroad.

Without making any observation on merits, having considered the rival submissions made at the bar, nature of accusation, material on record, all other facts and circumstances and also keeping in view that forged general power of attorney is in the name of accused petitioner Subhash Chand and it is not alleged that accused petitioner Pratap Singh executed that power of attorney nor he was directly involved in making the forged documents, I do not deem it proper to grant the benefit of pre-arrest bail to accused petitioner Subhash Chand but the other accused petitioner Pratap Singh deserves the benefit of pre-arrest bail.

In the result, the bail application of Subahsh Chand is rejected and that of the accused petitioner Pratap Singh is allowed and it is directed that in the event of arrest of petitioner Pratap Singh S/o. Srikishan, he shall be released on bail by the concerned SHO/Investigating Officer in FIR No.64/2006 registered at Police Station Pisagan, District Ajmer provided he furnishes a personal bond in the sum of Rs.10,000/- together with two sureties each in the sum of Rs.5,000/- to his satisfaction on the following conditions :-

1. that the petitioner shall make himself available for interrogation by a police officer as and when required;
2. that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or any police officer; and
3. that the petitioner shall not leave India without previous permission of the Court.

(J.R. Goyal),J

VS Shekhawat/-
Jr. P.A.